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**Subject:** FW: Please Share: Time-Sensitive U.S. EPA Office of Water Information and Tribal Participation Opportunities - June 2019

Lots of announcements from the Office of Water...

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**From:** Gude, Karen  
**Sent:** Monday, June 3, 2019 12:46 PM  
**Subject:** Time-Sensitive U.S. EPA Office of Water Information and Tribal Participation Opportunities - June 2019

Dear Tribal Partners and EPA Regional Indian Coordinators –

The EPA Office of Water would like to share some time-sensitive information and important participation opportunities and activities related to the Safe Drinking Water Act and Clean Water Act. This information and these events may be of interest to tribes and provides tribes an opportunity to engage with EPA on water-related topics. Please feel free to forward this information, as appropriate.

**I. EPA Seeks Public Comment on Proposed Options for Regulating Perchlorate in Drinking Water. Tribal Informational Webinar Scheduled June 12.**

On May 23, 2019, the EPA released a notice of proposed rulemaking that seeks public input on a range of options regarding the regulation of perchlorate in public drinking water systems. **EPA will accept public comment on the proposal for 60 days after publication.** Those wishing to submit comments must do so through docket EPA-HQ-OW-2018-0780 at [www.regulations.gov](http://www.regulations.gov).

**Tribal Informational Webinar Scheduled:**

**The EPA is hosting an informational webinar for Indian Tribes on June 12, 2019, from 3:00 PM until 4:00 PM (EDT).** The purpose of the webinar is to provide an overview of the EPA's proposed National Primary Drinking

Water Regulation for Perchlorate. Tribes will have an opportunity during the webinar to ask clarifying questions on the proposal. Topics will include:

- The proposed health-based goal and enforceable standard, as well as alternatives.
- Monitoring schedule, frequency and waivers.
- Analytical methods and best available treatment technologies to remove perchlorate.
- Cost and benefits of the proposed rule.

**To access the Tribal Informational Webinar please visit:**

<https://epawebconferencing.acms.com/perchlorateinformationalwebinarfortribes/>. For audio, please use the following conference line and code: Conference number: 202-991-0477; Code: 1393231.

#### **Additional Background:**

The agency is seeking comment on a proposed National Primary Drinking Water Regulation (NPDWR) for perchlorate to establish a Maximum Contaminant Level (MCL) and a health-based Maximum Contaminant Level Goal (MCLG) at 56 micrograms per liter.

In addition, the agency is seeking comment on three alternative regulatory options:

- An MCL and MCLG for perchlorate set at 18 micrograms per liter.
- An MCL and MCLG for perchlorate set at 90 micrograms per liter.
- Withdrawal of the agency's 2011 determination to regulate perchlorate in drinking water.

The agency is requesting comment on all relevant aspects of the proposed rule but is especially interested in the perchlorate monitoring and reporting requirements for public water systems and a list of treatment technologies that would enable water systems to comply with the MCL, including affordable compliance technologies for small systems serving 10,000 persons or less. EPA is also requesting comment on its methodology for deriving the MCLG, the underlying assumptions and analysis of its cost and benefit estimates, and other specific items listed in the proposed rule.

Perchlorate is commonly used in solid rocket propellants, munitions, fireworks, airbag initiators for vehicles, matches, and signal flares. Perchlorate may occur naturally, particularly in arid regions such as the southwestern United States and is found as an impurity in hypochlorite solutions used for drinking water treatment and nitrate salts used to produce nitrate fertilizers, explosives, and other products.

For more information and to view the pre-publication version of the Federal Register Notice, visit <https://www.epa.gov/dwstandardsregulations/perchlorate-drinking-water>.

## **II. EPA Seeks Public Input on Draft Study of Oil and Gas Extraction Wastewater Management. Comments due by July 1.**

On May 15, 2019, EPA announced that it is seeking public input on a draft study that takes a holistic look at how the agency, states, tribes, and others view the current state of regulation and management of wastewater from the oil and gas industry and provides insight into how this wastewater might be returned to beneficial use in the water cycle.

In May 2018, EPA announced the initiation of a Study of Oil and Gas Extraction Wastewater Management. The agency conducted a robust outreach effort to gather input from state, tribal, industrial, academic, environmental, public health and other entities for the study. This included meeting with individual entities, accepting written input through a public docket on [regulations.gov](https://www.regulations.gov), and hosting a national public meeting in October 2018 to report on what EPA had learned to date and to provide stakeholders an additional opportunity to provide input.

The draft study describes what the Agency heard during its engagement for this study. This draft study is available for review and public input until July 1, 2019. Submit comments to [oil-and-gas-study@epa.gov](mailto:oil-and-gas-study@epa.gov).

In addition, EPA is interested in public input regarding the following:

- What non-regulatory steps should EPA take to encourage re-use/recycle of produced water?
- Considering the cost of transporting and treating produced water, would revising 40 CFR Part 435 to allow for broader discharge of produced water shift the manner in which produced water is currently handled?
- Should EPA continue to distinguish between discharges from onshore oil and gas facilities located East and West of the 98th meridian or establish a national policy irrespective of geographic location?
- What steps could EPA take that might incent re-use of produced water within and outside of the oilfield?

The report does not announce or discuss any regulatory efforts regarding oil and gas extraction wastewater. The information in this report and associated public statements will help EPA determine if any future actions are appropriate to further address oil and gas extraction wastewater. EPA anticipates finalizing the study and announcing any next steps later in 2019. For more information and to view a copy of the draft study, please visit EPA's website at: [www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management](http://www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management).

### **III. EPA Issues Draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS. Public Comment Period Closes June 10.**

On April 25, 2019, the EPA released a draft Interim Recommendations for Addressing Groundwater Contaminated with PFOA and PFOS for a 45-day public comment period that ends on June 10, 2019. This guidance is for EPA staff but may be of use to states and tribes. It provides interim recommendations for addressing groundwater contaminated with perfluorooctanoic acid (PFOA) and/or perfluorooctane sulfonate (PFOS) at sites being evaluated and addressed under federal cleanup programs, including the Comprehensive Environmental Response, Compensation, and Liability Act and corrective action under the Resource Conservation and Recovery Act. The recommendations are based on the EPA's current scientific understanding of per- and polyfluoroalkyl substances (PFAS) toxicity and are intended to provide clear and consistent guidance for federal facility and private party cleanup sites, as well as state and tribal cleanup programs, where appropriate. Following public comment, the EPA will prepare a response to comments and revise the document as appropriate. The EPA expects to submit a final document to OMB for interagency review later this year. For additional information, instructions for submitting comments, and a link to the draft recommendations, please visit: <https://www.epa.gov/pfas/draft-interim-recommendations-addressing-groundwater-contaminated-pfoa-and-pfos>.

### **IV. EPA Seeks Public Input for Development of National Water Reuse Action Plan. Comment Period Open through July 1.**

On April 18, EPA announced that it is seeking public input on the development of an action plan to accelerate the application of water reuse as a safe, reliable, and sustainable way to meet the country's current and future water demands.

To facilitate public input on the Water Reuse Action Plan, EPA released a Discussion Framework for Development of a Draft Water Reuse Action Plan (see: <https://www.epa.gov/waterreuse/discussion-framework-development-draft-water-reuse-action-plan>) which provides helpful background, context, and details on considerations the Water Reuse Action Plan could address. EPA invites ideas and input on all aspects of water reuse, including but not limited to:

Specific actions that can be taken now and in the future by federal agencies, states, tribes, local governments, water utilities, industry, agriculture, and others;

- Key relevant sources of information, such as literature, about water reuse, not already identified in the Discussion Framework;
- Examples of water reuse, both past and future, which demonstrate opportunities and barriers;
- Concepts for applying water reuse strategies within integrated water resources management planning; and,
- Ways water reuse can improve water resiliency, security and sustainability through a more diverse water portfolio.

**EPA will accept public input for the draft Water Reuse Action Plan through July 1, 2019, online via <https://www.regulations.gov> using Docket ID No. EPA-HQ-OW-2019-0174.** After consideration of the input received, EPA will release a draft Water Reuse Action Plan for public comment in conjunction with the 2019 WaterReuse Symposium in San Diego, Calif. For more information, please visit: <https://www.epa.gov/waterreuse/water-reuse-action-plan>.

**V. EPA Issues Proposed Rule on Aluminum Aquatic Life Criteria Applicable to Oregon Fresh Waters. Public Comment Period to Close June 17.**

On April 18, 2019, EPA Administrator Wheeler signed a proposed rule to establish federal Clean Water Act aluminum aquatic life criteria for freshwaters under the state of Oregon's jurisdiction. This rule is being proposed to ensure that criteria are set at levels to protect aquatic life from the effects of exposure to harmful levels of aluminum. Aluminum naturally occurs at low levels in surface waters, such as rivers and lakes. However, at higher concentrations, it can be toxic to aquatic life. The EPA's proposal uses the latest scientific knowledge on aluminum toxicity in water and proposes to promulgate aluminum criteria for Oregon freshwaters based on the EPA's 2018 national aluminum criteria recommendation to protect freshwater aquatic life. The EPA has opened a public comment period for this proposal, which ends on June 17, 2019. Additionally, the EPA is offering two online public hearings on June 11 and 12 so that interested parties may provide oral comments on the EPA's proposed rule. Public comments on the proposed rule can be submitted at [regulations.gov](https://www.regulations.gov) (Docket ID No. EPA-HQ-OW-2016-0694). For additional information, please visit: <https://www.epa.gov/wqs-tech/aluminum-aquatic-life-criteria-applicable-oregon-fresh-waters-proposed-rule>.

**VI. EPA Issues Guidance on Clean Water Act Permitting Requirements. Public Comment Period Open through June 7.**

On April 15, EPA issued guidance clarifying the application of Clean Water Act permitting requirements to groundwater. EPA's Interpretative Statement concludes that Congress excluded releases of pollutants to groundwater from the Act's permitting requirements and instead left regulation of those releases to the states and EPA's other statutory authorities. To view a copy of the interpretive statement, please visit: <https://www.epa.gov/npdes/interpretative-statement-releases-pollutants-point-sources-groundwater>.

In conjunction with issuing its Interpretative Statement, the agency is seeking additional public input regarding what may be needed to provide further clarity and regulatory certainty on this issue. The comment period will be open for 45 days after the Interpretative Statement is published in the Federal Register. To view a copy of the Federal Register notice, please visit: <https://www.govinfo.gov/content/pkg/FR-2019-04-23/pdf/2019-08063.pdf>. **The public comment period is scheduled to close on June 7, 2019.** Comments should be submitted to the public docket identified by Docket ID No. EPA-HQ-OW-2019-0166, located at <https://www.regulations.gov>. For more information, please visit <https://www.epa.gov/npdes/releases-point-source-groundwater>.

**VII. Applications for Great Lakes Restoration Initiative (GLRI) Grants Accepted until July 12.**

On May 31, the EPA announced that it will accept applications for Great Lakes Restoration Initiative (GLRI) grants until July 12. EPA expects to award a total of approximately \$14 million for about 30 projects in five categories addressing excess nutrients and stormwater runoff

This year, EPA is including a category to provide funding for innovative water quality trading projects. Approximately \$1.5 million is available for four projects in this category which promotes cost-effective and market-based approaches to reducing excess nutrients to surface waters.

Another \$12.5 million is available to fund projects that target the following priorities:

- Riparian restoration to reduce runoff to the Maumee River
- Green infrastructure to reduce stormwater runoff
- Manure management to reduce nutrient runoff from farms
- Accelerating adoption of nutrient management through farmer-led outreach and education

Non-federal governmental entities, including state agencies, interstate agencies, federally recognized Indian tribes and tribal organizations, local governments, institutions of higher learning (i.e., colleges and universities), and non-profit organizations are eligible to apply for funding.

For more information on how to apply: <https://www.glri.us/>. To view the press release announcement: <https://www.epa.gov/newsreleases/epa-announces-14-million-reduce-excess-nutrients-and-stormwater-pollution-great-lakes-0>. For more information on EPA's efforts to address excess nutrients, visit: <https://www.epa.gov/nutrient-policy-data>.

**VIII. EPA's Announces New Water Infrastructure Finance and Innovation Act (WIFIA) Funding for Water Infrastructure Projects. Deadline for Letters of Interest is July 5.**

The Water Infrastructure Finance and Innovation Act (WIFIA) program recently announced that it has approximately \$6 billion available for water and wastewater infrastructure loans. Eligible borrowers include both private and public entities, including tribes. Prospective borrowers can submit letters of interest until July 5, 2019 at 11:59 p.m. EDT. This selection round, EPA announced four priorities:

- Readiness for a project to proceed toward development;
- Provide for clean and safe drinking water, including reducing exposure to lead and emergent contaminants in the nation's drinking water systems;
- Repair, rehabilitate, and replace aging infrastructure and conveyance systems; and
- New or innovative approaches including water reuse and recycling.

To learn more about the WIFIA program, visit [www.epa.gov/wifia](http://www.epa.gov/wifia) or contact [wifia@epa.gov](mailto:wifia@epa.gov).

**IX. 2019 Tribal Lands and Environment Forum Scheduled for August 19-22, 2018, in Palm Springs, CA. Online Registration Ends August 5.**

The 9th annual Tribal Lands and Environment Forum (TLEF) will be taking place at the Palm Springs Renaissance Hotel and Palm Springs Convention Center in Palm Springs, California, August 19-22, 2019. This year's TLEF will feature special trainings, field trips, and breakout sessions focused on the conference theme: *A National Conversation on Tribal Land and Water Resources*. Topics highlighted at the TLEF include solid/hazardous waste management, brownfields, UST/LUSTs, Superfund sites, and emergency response. Tribal water program topics – water quality, drinking water, and habitat restoration (including wetlands, streams and fisheries) will also be included with breakout sessions, trainings and field trips. Please visit the TLEF conference website at: [https://www7.nau.edu/itep/main/Conferences/confr\\_tlef](https://www7.nau.edu/itep/main/Conferences/confr_tlef) for additional information and to register.

**X. EPA's Water Quality Modeling Webinar: "Introduction to AQUATOX" Scheduled for June 12. Register today.**

EPA's Water Quality Modeling Workgroup is hosting a series of webinars to help water quality professionals better understand surface water quality modeling and how models can be used to solve common problems that face water quality regulators. The webinars are focused on modeling as it applies to the Total Maximum Daily Load (TMDL), Standards, and Water Quality Permitting Programs, but they are applicable to a wide range of audiences. These two-hour webinars cover everything from modeling basics (e.g., model setup and calibration) to applied water quality modeling of different pollutants.

The webinar, titled "Introduction to AQUATOX", is scheduled for Wednesday June 12th at 1pm Eastern. This webinar will introduce AQUATOX, an ecological risk model for aquatic systems. The model predicts the fate of various pollutants, including nutrients, sediments and organic chemicals, and their effects on aquatic ecosystems. AQUATOX is a valuable tool for ecologists, biologists, water-quality modelers, and anyone performing ecological risk assessments for aquatic ecosystems. This webinar will describe the model framework and sub-models with a focus on nutrients and algae, including case studies. The webinar will also cover organic-chemical bioaccumulation and toxicity including the PFAs submodel as well as a discussion of the future of the model and its development as a web-service as part of the EPA hydrologic micro services project. The webinar's speaker will be Jonathan Clough, Warren Pinnacle Consulting.

Registration is required and is now available at:

[https://epawebconferencing.acms.com/aquatox\\_modeling/event/registration.html](https://epawebconferencing.acms.com/aquatox_modeling/event/registration.html). For more information, contact the modeling workgroup ([Water\\_Modeling\\_Workgroup@epa.gov](mailto:Water_Modeling_Workgroup@epa.gov)). Previous webinars are available here: <https://www.epa.gov/waterdata/surface-water-quality-modeling-training>.

**XI. Water Quality Analysis Simulation Program (WASP 8.32) Water Quality Modeling Workshop Scheduled for July 15 – 19, 2019.**

U.S. EPA Region 4 and the National Water Quality Modeling Work Group is proud to sponsor a 5-day workshop on water quality principles/modeling using the Water Quality Analysis Simulation Program (WASP). WASP is one of the most widely used water quality models in the United States and throughout the world. With an estimated 15,000+ installed user base, the model is continually being enhanced to meet the needs of the user community. WASP can be applied to streams, rivers, lakes/reservoirs, and estuaries in 1, 2 or 3 dimensions. WASP is used routinely throughout the United States in the development of TMDLs and waste load allocations. The model is capable of simulating: nutrients (nitrogen, phosphorus, silica), dissolved oxygen (including sediment diagenesis), biochemical oxygen demand (3 types), phytoplankton (5 species), benthic & macro algae (3 species), inorganic/organic solids (5 types including mechanistic sediment transport), pathogens, water temperature, pH and alkalinity. The chemical model is capable of simulating 10 organic chemicals, 10 nano chemicals, 10 dissolved carbon components, inorganic/organic solids (5 types including mechanistic sediment transport), 5 microbial groups, and water temperature. WASP8 is available for Microsoft Windows, Apple OSX, and Linux based machines. The modeling package consists of: a user-friendly graphical user interface that assists the users in developing a modeling input file, access time series data from database management systems, and a graphical post processor to aid in model calibration and report generation. Additional information about the workshop, including registration information, is available at [www.epawasp.com](http://www.epawasp.com).

**XII. Innovative Financing Strategies for Reducing Nutrients Webinar Series --- Federal Financing for Nutrient Reductions: Grants and Lending Opportunities. Webinar Scheduled June 12. Register Today.**

EPA and USDA are co-hosting a webinar on June 12, 2019, from 1:00 - 2:30 PM EDT on federal grants and innovative financing options for reducing nutrients. Featured speakers will highlight financing opportunities from USDA and EPA and discuss innovative approaches for funding point source and non-point source control for nutrient reductions. This is the first in a four-part webinar series featuring case studies of successful approaches from across the country for funding nutrient reductions. For more information on this webinar, please contact [waterfinancecenter@epa.gov](mailto:waterfinancecenter@epa.gov). To register, please visit: [https://rossstrategic.zoom.us/webinar/register/WN\\_ywOL52ZPQGWM1xvD9za79Q](https://rossstrategic.zoom.us/webinar/register/WN_ywOL52ZPQGWM1xvD9za79Q).

**XIII. June 25 EPA Monthly Small Systems Webinar on Sanitary Surveys.**

As part of the EPA Office of Research and Development (ORD) and Office of Water's *Monthly Small Systems Webinar Series: Challenges and Treatment Solutions for Small Drinking Water Systems*, the offices will be hosting a webinar on June 25 on Sanitary Surveys. For information and to register, please visit: <https://www.epa.gov/water-research/small-systems-monthly-webinar-series>.

**XIV. EPA Issues Final Recommended Recreational Ambient Water Quality Criteria or Swimming Advisories for two Cyanotoxins, Microcystins and Cylindrospermopsin**

On May 23, the EPA issued final **Recommended Recreational Ambient Water Quality Criteria or Swimming Advisories for two Cyanotoxins, Microcystins and Cylindrospermopsin**. The Agency has identified recommended concentrations of these cyanotoxins at or below which human health is protected while swimming or participating in other recreational activities in and on the water. States, territories, and authorized tribes can consider adopting these recommended criteria into their water quality standards and using them for Clean Water Act purposes. Alternatively, they can use these same values as the basis of swimming advisories for public notification purposes at recreational waters. The recommended criteria or swimming advisories are based on peer-reviewed, published science and methods.

The EPA is also providing information on the latest scientific knowledge about human health effects from exposure to cyanobacteria, discussion of other governmental guidelines for recreational waters, and incidents involving exposure of pets and other animals to cyanotoxins. More information on these recommendations: <https://www.epa.gov/wqc/recreational-water-quality-criteria-and-methods>.

The EPA is publishing the recommendations for microcystins and cylindrospermopsin, two of the toxins associated with cyanobacterial HABs, under Clean Water Act section 304(a). Learn more about cyanobacterial HABs and how the EPA, states, territories and tribes are working to address them on the newly redesigned EPA Cyanobacterial HABs website. EPA updated and reorganized our online information about [cyanobacterial harmful algal blooms \(CyanoHABs\) in water bodies](#), creating a new website dedicated to scientific information, EPA tools, and collaborative work on cyanoHABs in U.S. waters.

On the updated website, the EPA has also published new infographics that state, tribal, and local governments can use to communicate basic information about HABs to the public. The infographics highlight how a HAB may affect both people and animals, and provide information concerning how to identify and respond to a potential bloom. Downloadable and printable versions of the infographics are available at <https://www.epa.gov/cyanoHABs/infographics-help-educate-public-habs-basics>; one as a more detailed poster for display and another as an abbreviated handout. State, tribal and local governments may also customize the infographics by adding their logo and website address or telephone number. For questions please contact Jamie Strong at [Stong.Jamie@epa.gov](mailto:Stong.Jamie@epa.gov).

#### XV. EPA Finalizes Modification to the 2017 Construction General Permit

On May 28, the EPA finalized a modification to the National Pollutant Discharge Elimination System (NPDES) 2017 Construction General Permit (CGP), which covers eligible stormwater discharges from construction activities in areas where the EPA is the permitting authority. The final modified permit will take effect on June 27, 2019.

- ***A note for current CGP permittees:*** *This final modification does not affect permit coverage, therefore no action is required of existing operators regarding your authorization to discharge under the CGP. If you were covered under the 2017 CGP, you will still be covered under the modified permit.*

After the EPA issued the original 2017 CGP in January 2017, both the National Association of Home Builders and the Chesapeake Bay Foundation filed petitions for review in the D.C. Circuit. Based on new information provided to the EPA, the Agency proposed a permit modification on December 12, 2018 for a 45-day comment period to clarify the intent of certain permit requirements.

The final modification, which is substantially similar to the proposal, removed examples of the types of parties that could be considered operators in the definition of operator; aligned three requirements that

implement the Construction and Development Effluent Limitations Guidelines (ELG) and New Source Performance Standards (NSPS) with the ELG text; and clarified individual operator responsibilities in multiple operator scenarios. The final modified 2017 CGP replaces the original 2017 CGP, but does not affect the eligible coverage area; the number or type of entities eligible to be covered by the permit; nor the five-year permit term of the original 2017 CGP, meaning the modified 2017 CGP will still expire on February 16, 2022. This modification did not affect state-issued CGPs.

The Federal Register Notice, the final modified permit, and the accompanying fact sheet are now published in the public docket on [Regulations.gov](https://www.regulations.gov) (ID# EPA-HQ-OW-2015-0828) and on the EPA's construction stormwater website at: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

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